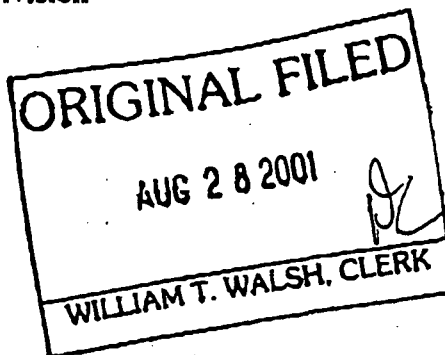




KENNETH G. LONG (KL-9908)
 Environmental Enforcement Section
 Environment and Natural Resources Division
 U.S. Department of Justice
 P.O. Box 7611, Ben Franklin Station
 Washington, D.C. 20044



ROBERT J. CLEARY
 United States Attorney
 District of New Jersey

MICHAEL CHAGARES (MC-5483)
 Assistant United States Attorney
 District of New Jersey
 970 Broad Street
 Newark, New Jersey 07102

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALCOLAC, INC., AMERACE CORPORATION, AMERICAN
 CYANAMID COMPANY, ATOFINA CHEMICALS, INC.,
 BASF CORPORATION, BAYONNE INDUSTRIES, BEAZER
 EAST, INC., BECKMAN INSTRUMENTS, INC., BEMIS
 COMPANY, INC., CHARTER MANUFACTURING
 COMPANY, INC., CIBA SPECIALTY CHEMICALS
 CORPORATION, CLAIROL, INC., CLARIANT
 CORPORATION, CNA HOLDINGS INC. (f/k/a HOECHST
 CELANESE CORPORATION), COMPAC CORPORATION,
 COOPER INDUSTRIES, INC., CREANOVA INC., (f/k/a HULS
 AMERICA INC.), CROMPTON CORPORATION, CURTISS-
 WRIGHT CORPORATION, CWM CHEMICAL SERVICES,
 L.L.C., DICTAPHONE CORPORATION, E.I. DU PONT DE

02-1999-0018

Civil Action No. 01cv4097(ASL)

NEMOURS AND COMPANY, E.R. SQUIBB & SONS, INC.,)
 EDWIN SIEGEL, EDLIN, LTD., ENGELHARD)
 CORPORATION, EXXON CORPORATION, EXXON)
 RESEARCH & ENGINEERING COMPANY, EXXON MOBIL)
 RESEARCH & ENGINEERING COMPANY, EXXON MOBIL)
 CORPORATION, FLEXABAR CORP., FOOD HAULERS, INC.,)
 GENERAL MOTORS CORPORATION, HALOCARBON)
 PRODUCTS CORPORATION, HONEYWELL)
 INTERNATIONAL INC. (f/k/a ALLIED SIGNAL INC.),)
 HOWMET CORPORATION, INDUSTRIAL & COMMERCIAL)
 REFUSE REMOVAL, INC., INTERNATIONAL PAPER)
 COMPANY, J. SCERBO CO., JOHN DUSENBURY CO., INC.,)
 JOHNSON CONTROLS, INC., KIEFFEL & ESSER)
 COMPANY, KEWANEE INDUSTRIES, INC., K-MART)
 CORPORATION, LUCENT TECHNOLOGIES INC., MARS,)
 INCORPORATED, MASCO CORPORATION, METEM)
 CORPORATION, NATIONAL STARCH AND CHEMICAL)
 COMPANY, NEW JERSEY DEPARTMENT OF)
 TRANSPORTATION, NL INDUSTRIES, INC., NOVARTIS)
 PHARMACEUTICALS CORPORATION, O.K. TOILET &)
 TOWEL SUPPLY, INC., OCCIDENTAL CHEMICAL)
 CORPORATION, PAMARCO, INC., PFIZER, INC.,)
 PHARMACIA & UPJOHN COMPANY, PHILIPS)
 ELECTRONICS NORTH AMERICA CORPORATION, PPG)
 INDUSTRIES, INC., PQ CORPORATION, REICHOLD, INC.,)
 (f/k/a REICHOLD CHEMICALS, INC.), ROMAN CATHOLIC)
 ARCHDIOCESE OF NEWARK, S.B. THOMAS, A UNIT OF)
 ENTEMANN'S, INC., SALTIRE INDUSTRIAL, INC., (f/k/a)
 SCOVILL INC.), SEQUA CORPORATION, STWB, INC., (f/k/a)
 STERLING DRUG COMPANY AND STERLING WINTHROP,)
 INC.), TETLEY USA, INC., THE SHERWIN-WILLIAMS)
 COMPANY, THE TOWNSHIP OF CEDAR GROVE, THE)
 PROCTER & GAMBLE MANUFACTURING COMPANY, THE)
 CLOROX COMPANY, THE DOW CHEMICAL COMPANY,)
 TOOLEY'S ENTERPRISES, TRANSTECHNOLOGY)
 CORPORATION, ULLRICH COPPER, VANGUARD)
 PROCESSING CORP., VIACOM, INC., (f/k/a)
 WESTINGHOUSE ELECTRIC CORPORATION), WARNER-)

LAMBERT COMPANY, WASTE MANAGEMENT OF NEW)
JERSEY, INC.)

Defendants.)
_____)

COMPLAINT

The United States of America ("United States"), by authority of the Attorney General of the United States and through the undersigned attorneys, acting at the request of the Administrator of the United States Environmental Protection Agency ("EPA"), files this Complaint and alleges:

STATEMENT OF THE CASE

1. This is a civil action brought pursuant to Sections 107(a) and 113(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9607(a) and 9613(b). In this action, the United States seeks to recover costs incurred by the United States to respond to releases or threatened releases of hazardous substances at or from the PJP Landfill Superfund Site (the "Site"), located in Jersey City, Hudson County, New Jersey.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to Sections 107(a) and 113(b) of CERCLA, 42 U.S.C. §§ 9607(a) and 9613(b), and 28 U.S.C. §§ 1331 and 1345.

3. Pursuant to Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), and 28 U.S.C. § 1391(b), venue is proper in this district because the release or threatened release of hazardous substances that give rise to the claims occurred in this judicial district.

DEFENDANTS

4. The defendants in this action are listed in Appendix A to this Complaint, which is

attached hereto and incorporated by reference. Each defendant is a "person" within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), who resides or does business within the State of New Jersey.

THE SITE

5. The Site is an 87-acre landfill located at 400 Sip Avenue, Jersey City, New Jersey.
6. From approximately 1970-1974 the PJP Sanitary Landfill Company operated a landfill at the Site to which hazardous substances were transported and into which hazardous substances were accepted, and disposed of.
7. In 1977, the New Jersey Department of Environmental Protection ("NJDEP") ordered the PJP Sanitary Landfill Company, the operator of the landfill, to cover the landfill, but it did not comply, leaving work at the Site to be undertaken by the State of New Jersey.
8. In 1982, after conducting a preliminary assessment, EPA listed the Site on the Superfund National Priorities List, 40 C.F.R. Part 300, Appendix B, ("NPL"). The NPL is a national list of hazardous waste sites posing the greatest threat to health, welfare and the environment. The NPL has been established pursuant to Section 105(a) of CERCLA, 42 U.S.C. § 9605(a).
9. Pursuant to section 104 of CERCLA, 42 U.S.C. § 9604, EPA reviewed and monitored the conduct of a Remedial Investigation and Feasibility Study ("RI/FS") performed by the NJDEP during the period from 1988 to 1993 to investigate and determine the nature and extent of the contamination at the Site.
10. The RI/FS indicated that soils, groundwater, and surface waters at the Site were contaminated with hazardous substances, including but not limited to benzene, tetrachloroethene, xylene, arsenic, chromium, lead and zinc.

11. With EPA concurrence, NJDEP issued a Record of Decision ("ROD") selecting a remedy for the Site on September 28, 1995. The remedy included capping portions of the Site, removing buried drums and associated contaminated material, installing a venting system on a portion of the cap, and quarterly ground-water monitoring.

GENERAL ALLEGATIONS

12. The Site is a "facility" within the meaning of Section 101(9), 42 U.S.C. § 9601(9).

13. There were "release:" and "threatened releases" of "hazardous substances" within the meaning of Sections 101(14) and (22), 106(a) and 107(a) of CERCLA, 42 U.S.C. § 9601(14) and (22), 42 U.S.C. § 9606(a), and 42 U.S.C. § 9607(a), into the environment at and from the Site.

14. As a result of the releases or threatened releases of hazardous substances at and from the Site, the United States has incurred "response costs" as defined in Sections 101(25) and 107(a) of CERCLA, 42 U.S.C. §§ 9601(25) and 9607(a), for actions taken in response to the releases or threatened releases at or from the Site.

15. As a result of its response actions, to date the United States has incurred response costs, including interest thereon, in excess of \$250,000 in connection with the Site, and will continue to incur response costs. These costs have not been reimbursed to the United States.

16. The response costs incurred by the United States in connection with the Site, are not inconsistent with the National Contingency Plan, as set forth in 40 C.F.R. Part 300.

CLAIM FOR RELIEF

17. Paragraphs 1 through 16 are realleged and incorporated herein by reference.

18. Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), provides, in pertinent part:

- (1) the owner or operator of a vessel or a facility,
 - (2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of,
 - (3) any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by such person, by any other party or entity, at any facility. . . owned or operated by another party or entity and containing such hazardous substances, and
 - (4) any person who accepts or accepted any hazardous substances for transport to disposal or treatment facilities, . . . or sites selected by such person, from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance, shall be liable for –
- (A) all costs of removal or remedial action incurred by the United States Government or a State . . . not inconsistent with the national contingency plan.

19. Each defendant is a person, within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), who currently owns and/or operates the Site or did so at the time of disposals of hazardous substances thereon, within the meaning of Section 107(a)(1) or (a)(2) of CERCLA, 42 U.S.C. § 9607(a)(1) or (2); or who arranged with (or is a successor in interest to one who arranged with) a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by such person, or by any other person or entity, at the Site, within the meaning of Section 107(a)(3) of CERCLA, 42 U.S.C. § 9607(a)(3); or who accepted hazardous substances (or is a successor in interest to one who accepted hazardous substances) for transport for disposal or treatment at the Site, which was selected by such person, within the meaning of Section 107(a)(4) of CERCLA, 42 U.S.C. § 9607(a)(4).

20. Pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), the defendants are each liable to the United States, jointly and severally, for all costs incurred and to be incurred by the United States in connection with the Site.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, United States of America, respectfully prays that this

Court:

- a. Enter judgment against the defendants, jointly and severally, in favor of the United States for response costs incurred in connection with the Site, together with interest;
- b. Award the United States its costs and fees in this action; and
- c. Grant such other relief as the Court deems appropriate.

Respectfully submitted,

DATE: 8/8/01



BRUCE S. GELBER
Chief
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice

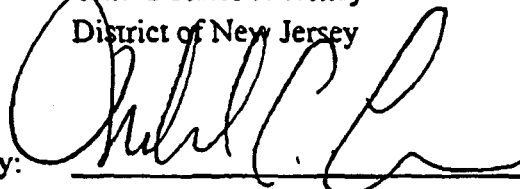
DATE: 8/20/2001



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ROBERT J. CLEARY
United States Attorney
District of New Jersey

By:



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(973) 645-2839

OF COUNSEL:

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Assistant Regional Counsel, Region II
U.S. Environmental Protection Agency
290 Broadway
New York, New York 10007-1866

ATTACHMENT A - LIST OF DEFENDANTS

Alcolac, Inc.
Amerace Corporation
American Cyanamid Company
ATOFINA Chemicals, Inc.
BASF Corporation
Bayonne Industries
Beazer East, Inc.
Beckman Instruments, Inc.
Bemis Company, Inc.
Charter Manufacturing Company, Inc.
Ciba Specialty Chemicals Corporation
Clairol, Inc.
Clariant Corporation
CNA Holdings Inc., f/k/a Hoechst Celanese Corporation
Compac Corporation
Cooper Industries, Inc.
Creanova Inc. (f/k/a Hüls America Inc)
Crompton Corporation
Curtiss-Wright Corporation
CWM Chemical Services, L.L.C.
Dictaphone Corporation
Edwin Siegel
Edlin, Led.
E. I. du Pont de Nemours and Company
E.R. Squibb & Sons, Inc.

Engelhard Corporation
ExxonMobil Corporation
Exxon Research & Engineering Company
Exxon Corporation
ExxonMobil Research & Engineering Company
Flexabar Corp.
Food Haulers, Inc.
General Motors Corporation
Halocarbon Products Corporation
Honeywell International Inc. (f/k/a AlliedSignal Inc.)
Howmet Corporation
Industrial & Commercial Refuse Removal, Inc.
International Paper Company
J. Scerbo Co.
John Dusenbury Co., Inc.
Johnson Controls, Inc.
Keuffel & Esser Company
Kewanee Industries, Inc.
Kmart Corporation
Lucent Technologies Inc.
Mars, Incorporated
Masco Corporation
Metem Corporation
National Starch and Chemical Company
New Jersey Department of Transportation
NL Industries, Inc.
Novartis Pharmaceuticals Corporation
O.K. Toiler & Towel Supply, Inc.
Occidental Chemical Corporation

Pamarco, Inc.

Pfizer Inc.

Pharmacia & Upjohn Company

Philips Electronics North America Corporation

PPG Industries, Inc.

PQ Corporation

Reichhold, Inc. (f/k/a Reichhold Chemicals, Inc.)

S.B. Thomas, a unit of Entenmann's, Inc.

Saltire Industrial, Inc. (f/k/a Scovill Inc.)

Sequa Corporation

STWB Inc. (f/k/a Sterling Drug Company and Sterling Winthrop, Inc.)

Tetley USA Inc.

The Clorox Company

The Dow Chemical Company

The Procter & Gamble Manufacturing Company

The Roman Catholic Archdiocese of Newark

The Sherwin-Williams Company,

The Township of Cedar Grove

Tooley's Enterprises

TransTechnology Corporation

Ullrich Copper

Vanguard Processing Corp.

Viacom, Inc.

Warner-Lambert Company

Waste Management of New Jersey, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALCOLAC, INC., AMERACE CORPORATION, AMERICAN
CYANAMID COMPANY, ATOFINA CHEMICALS, INC.,
BASF CORPORATION, BAYONNE INDUSTRIES, BEAZER
EAST, INC., BECKMAN INSTRUMENTS, INC., BEMIS
COMPANY, INC., CHARTER MANUFACTURING
COMPANY, INC., CIBA SPECIALTY CHEMICALS
CORPORATION, CLAIROL, INC., CLARIANT
CORPORATION, CNA HOLDINGS INC. (f/k/a HOECHST
CELANESE CORPORATION), COMPAC CORPORATION,
COOPER INDUSTRIES, INC., CREAMOVA INC., (f/k/a HULS
AMERICA INC.), CROMPTON CORPORATION, CURTISS-
WRIGHT CORPORATION, CWM CHEMICAL SERVICES,
L.L.C., DICTAPHONE CORPORATION, E.I. DU PONT DE
NEMOURS AND COMPANY, E.R. SQUIBB & SONS, INC.,
EDWIN SIEGEL, EDLIN, LTD., ENGELHARD
CORPORATION, EXXON CORPORATION, EXXON
RESEARCH & ENGINEERING COMPANY, EXXON MOBIL
RESEARCH & ENGINEERING COMPANY, EXXON MOBIL
CORPORATION, FLEXABAR CORP., FOOD HAULERS, INC.,
GENERAL MOTORS CORPORATION, HALOCARBON
PRODUCTS CORPORATION, HONEYWELL
INTERNATIONAL INC. (f/k/a ALLIED SIGNAL INC.),
HOWMET CORPORATION, INDUSTRIAL & COMMERCIAL
REFUSE REMOVAL, INC., INTERNATIONAL PAPER
COMPANY, J. SCERBO CO., JOHN DUSENBURY CO., INC.,
JOHNSON CONTROLS, INC., KEUFFEL & ESSER
COMPANY, KEWANEE INDUSTRIES, INC., K-MART
CORPORATION, LUCENT TECHNOLOGIES INC., MARS,
INCORPORATED, MASCO CORPORATION, METEM
CORPORATION, NATIONAL STARCH AND CHEMICAL
COMPANY, NEW JERSEY DEPARTMENT OF
TRANSPORTATION, NL INDUSTRIES, INC., NOVARTIS
PHARMACEUTICALS CORPORATION, O.K. TOILET &

Civil Action No.

TOWEL SUPPLY, INC., OCCIDENTAL CHEMICAL)
CORPORATION. PAMARCO, INC., PFIZER, INC..)
PHARMACIA & UPJOHN COMPANY, PHILIPS)
ELECTRONICS NORTH AMERICA CORPORATION. PPG)
INDUSTRIES, INC., PQ CORPORATION. REICHOLD, INC.,)
(f/k/a REICHOLD CHEMICALS, INC.). ROMAN CATHOLIC)
ARCHDIOCESE OF NEWARK. S.B. THOMAS, A UNIT OF)
ENTEMANN'S, INC., SALTIRE INDUSTRIAL, INC., (f/k/a)
SCOVILL INC.), SEQUA CORPORATION. STWB, INC.. (f/k/a)
STERLING DRUG COMPANY AND STERLING WINTHROP,)
INC.), TETLEY USA, INC.. THE SHERWIN-WILLIAMS)
COMPANY. THE TOWNSHIP OF CEDAR GROVE. THE)
PROCTER & GAMBLE MANUFACTURING COMPANY, THE)
CLOROX COMPANY, THE DOW CHEMICAL COMPANY,)
TOOLEY'S ENTERPRISES. TRANSTECHNOLOGY)
CORPORATION, ULLRICH COPPER, VANGUARD)
PROCESSING CORP., VIACOM, INC., (f/k/a)
WESTINGHOUSE ELECTRIC CORPORATION), WARNER-)
LAMBERT COMPANY, WASTE MANAGEMENT OF NEW)
JERSEY, INC.,)

Defendants.)

CONSENT DECREE

THE UNDERSIGNED PARTIES enter into this Consent Decree in the manner of United States v. Alcolac, Inc. et al., relating to the PJP Landfill Superfund Site.

FOR THE UNITED STATES OF AMERICA

Date: 8/8/01



BRUCE S GELBER

Chief

Environmental Enforcement Section

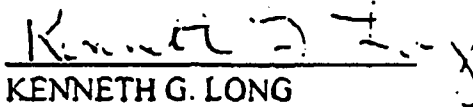
Environment and Natural Resources

Division

U.S. Department of Justice

Washington, D.C. 20530

Date: 7-7-01



KENNETH G. LONG

Environmental Enforcement Section

Environment and Natural Resources Division

U.S. Department of Justice

P.O. Box 7611

Washington, D.C. 20044-7611

202-514-2840

(KGL 9908)

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States v. Alcolac, Inc. et al., relating to the PIP Landfill Superfund Site.

ROBERT J. CLEARY
United States Attorney
District of New Jersey

Date _____

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973-645-2839

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States v. Alcolac, Inc. et al., relating to the PJP Landfill Superfund Site.

Date 8/2/01

William J. Muszynski
- WILLIAM J. MUSZYNSKI
- Acting Regional Administrator, Region II
U.S. Environmental Protection Agency
290 Broadway
New York, NY 10007-1866

Date: 6/7/01

Michael J. Van Itallie
MICHAEL J. VAN ITALLIE
Assistant Regional Counsel
U.S. Environmental Protection Agency
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New York, NY 10007-1866